

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1961

February 5, 2020

SUMMARY OF BILL: Requires that a person committed to jail that has or demonstrates an intellectual or developmental disability be kept separately from a person convicted of or charged with a sexual offense, a violent sexual offense, or a violent crime. Requires sheriffs to train jail employees on recognizing intellectual and developmental disabilities and proper procedures for dealing with persons with intellectual and developmental disabilities.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – The fiscal impact on local government is dependent on multiple unknown factors, including the extent, timing, cost, and geography of additional housing needs and cannot be specifically determined. Any impacts to local governments are considered mandatory.*

Assumptions:

- According to the study, *Doing Justice? Criminal Offenders with Developmental Disabilities*, at least 10.4 percent of jail inmates have a mental or emotional disability.
- The National Institute of Corrections estimates 26,630 inmates across the 100 Tennessee jail and adult detention facilities at any given time.
- Per the language of this legislation, approximately 2,770 (26,630 x 10.4%) inmates would need to be kept separate from people convicted of or charged with a sexual offense, a violent sexual offense, or a violent crime.
- More than 50 percent of Tennessee jails are overcrowded.
- Given the above figures, many jails will not have the housing available to accommodate the provisions of this legislation. Additional facilities or annexes would be necessary; the extent, timing, cost, and geography of which cannot be reasonably determined. This would be a mandatory increase in expenditure to local governments.
- Pursuant to Tennessee Corrections Institute (TCI) and Peace Officer Standards and Training (P.O.S.T.) Commission standards, sheriffs are required to be trained in mental health issue recognition.
- Requiring the sheriff of each county to provide training to each jail employee on recognizing intellectual and developmental disabilities and the proper procedures for dealing with persons with intellectual or developmental disabilities can be accomplished within existing resources.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

/jmg